

Notice of Allowability

Application No.

10/706,900

Examiner

Taylor Victor Oh

Applicant(s)

ABDEL-MONEM ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/6/06.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

It is noted that applicants filed an Appeal Brief after the Final Rejection on 3/06/06; as a result of the appeal conference, the examiner has withdrawn the previous Office Action and has decided to allow the application.

The Status of Claims

Claim 1 is pending.

Claim 1 is allowable.

Reasons of Allowance

I. The following is an examiner's statement of reasons for allowance:

- The rejection of Claim 1 under 35 U.S.C. 103(a) as being unpatentable over ICN (A world of Biomemmdical Products Catalogue, 1995, p. 1194) has been withdrawn due to applicants' convincing argument.
- The rejection of Claim 1 under 35 U.S.C. 103(a) as being unpatentable over Claim 1 under 35 U.S.C. 103(a) as being unpatentable over Moore (US 6,323, 354) has been withdrawn due to applicants' convincing argument.
- The closest prior art to the current invention is Moore (US 6,323, 354).

Moore teaches a method for preparing amino acid transition metal chelates as a palatable highly bioavailable source for transition metals for animal nutrition from lipoproteins comprising nucleoprotein, nucleic acids, keratins, collagen, and glutamic acid and transition metal salts selected from the group consisting of iron, zinc, copper, magnesium, and etc. .

The instant invention, however, differs from the prior art in that water soluble sodium or potassium salts of amino acids are mixed with a water metal salt of a trace element, prior to adjusting the pH to neutral, unlike the prior art in which the aqueous sodium or potassium salts of amino acids and fatty acids are neutralized first before reacting water soluble salts of transition metals with sodium or potassium salts of dicarboxylic alpha amino acid; furthermore, there is no limitation of forming small crystals in the prior art; instead, the aqueous product is being dried; moreover, there is no motivation found in the prior art to arrive at the current invention.

Therefore, the claimed invention would not have been obvious to the person with an ordinary skill in the art.

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela V. H.
5/14/06